

(Revised April 7, 2011)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

No. CV ____-____ NJV

_____,
Plaintiff(s),

**CASE MANAGEMENT AND
PRETRIAL ORDER**

v.

_____,
Defendant(s)

Pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10(b), the following case management and pretrial order is entered:

1. TRIAL DATE:

a. [Court/Jury] trial will begin on [DATE] at 9:30 a.m. in Courtroom 205A, 2nd Floor, 514 H Street, Eureka, CA 95501 ("Eureka Federal Courthouse").

b. The length of the trial will be no more than [___] days.

2. DISCOVERY

a. All non-expert discovery shall be completed by [DATE].

b. Experts shall be disclosed by [DATE].

c. All discovery from experts shall be completed by [DATE].

d. In the event of a discovery dispute the parties shall use the procedure outlined in the court's standing orders. The court's standing orders are available on the website for the U.S.

District Court for the Northern District of California at www.cand.uscourts.gov. Click on “Judges” on the left side of the District Court’s home page and select Magistrate Judge Vadas. On the Judge Information page, click on the link for Judge Vadas’ standing orders on the lower left.

3. MOTIONS

All dispositive motions shall be served and filed not less than **thirty-five (35)** days prior to the scheduled hearing date. Any opposition shall be served and filed no later than **twenty-one (21)** days prior to the hearing date. Any reply to the opposition shall be served and filed no later than **fourteen (14)** days prior to the hearing. Prior to a dispositive motion, the parties shall meet and confer and, at the time the motion is filed, submit a **joint** statement of undisputed facts.

a. The last day for filing a dispositive motion will be [DATE].

b. The last day for a hearing on a dispositive motion will be [DATE], which is thirty-five (35) days after the last day for filing a dispositive motion.

4. ALTERNATIVE DISPUTE RESOLUTION (ADR)

The court hereby refers this case for **one** of the following:

a. A settlement conference to be scheduled before another Magistrate Judge of this court. Counsel will be contacted by that judge’s chambers with a date and time for the conference as soon as it is convenient for the judge’s calendar.

b. Referral to ADR for purpose of scheduling [mediation, arbitration, or ENE] to be completed within [30] days.

5. FURTHER CASE MANAGEMENT CONFERENCE

A further Case Management Conference will be held within thirty (30) days of an unsuccessful settlement conference or ADR proceedings. Parties shall jointly propose a date on a Tuesday at 2:00 p.m. Pursuant to L.R. 16-10(d), at least seven (7) days before a further Case Management Conference, the parties must file a **Joint** Case Management Conference Statement.

6. FINAL PRETRIAL CONFERENCE

a. A final pretrial conference shall be held at least **thirty (30)** days before the date set for trial. The final pretrial conference shall be held on Tuesday, [DATE] at 2:30 p.m. in the Eureka Federal Courthouse. Each party shall attend personally or by counsel who will try the case.

b. **Not less than thirty (30) days** prior to the date of the final pretrial conference, all counsel or parties shall meet and fulfill the requirements of L.R. 16-10(b).

7. PRETRIAL FILINGS

a. **Not less than twenty (20) days** prior to the final pretrial conference, counsel or parties shall:

(i) Serve and file a **joint** final pretrial conference statement pursuant to L.R. 16-10(b). The joint final pretrial conference statement shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) as well as the following:

THE ACTION

Substance of the Action

Relief Prayed

FACTUAL BASIS FOR THE ACTION

Undisputed Facts

Disputed Factual Issues

Agreed Statement

Stipulations

DISPUTED LEGAL ISSUES

(List)

TRIAL PREPARATION

Witnesses to be Called

Exhibits, Schedules and Summaries

Trial

Estimate of Trial Time

Use of Discovery Responses at Trial

Further Discovery or Motions

1 TRIAL ALTERNATIVES AND OPTIONS

2 Settlement Discussions

3 Amendments - Dismissals

4 Bifurcation, Separate Trial of Issues

5 MISCELLANEOUS

6 Any other concerns of the parties

7 (ii) Serve and file **trial briefs**, which shall specify each cause of action and
8 defense remaining to be tried along with a statement of the applicable legal standard (no opposition
9 shall be filed). Two (2) courtesy copies of trial briefs shall be provided.

10 (iii) Serve and file **motions in limine** which shall be contained in one
11 document where possible. Two (2) courtesy copies of motions in limine shall be provided. Motions
12 in limine will be decided at the Pretrial Conference.

13 (iv) Serve and file a list of **discovery excerpts** from depositions (specifying
14 the witness, page and line references), interrogatory answers, and requests for admission that will be
15 offered at trial, and whether the excerpt is to be offered in lieu of testimony or for impeachment or
16 rebuttal purposes.

17 (v) Serve and file a list of **witnesses** likely to be called at trial, in person or by
18 deposition, other than solely for impeachment or rebuttal, with a brief statement describing the
19 substance of the testimony to be given.

20 (vi) Serve and file a numerical **list of exhibits** (including demonstrative
21 exhibits that may be admitted into evidence but not those that are purely illustrative), with a brief
22 statement describing the substance and purpose of each exhibit and the name of the sponsoring
23 witness.

24 (vii) For cases to be tried by jury, serve and file proposed **joint voir dire**
25 **questions** and **joint jury instructions** (further instructions regarding jury instructions are below).

26 (viii) For cases to be tried by the court, serve and file **proposed findings of**
27 **fact and conclusions of law**.

28 (ix) Serve and file a proposed **verdict form** which contains no reference to
the submitting party.

b. No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not disclosed in these pretrial filings without leave of court and for good cause.

c. **Not less than ten (10) days** prior to the final pretrial conference, counsel or parties shall serve and file any **opposition or objection** to those items required by paragraph 7(a) of this order. Additionally, counsel or parties shall file any objections to the qualifications of **expert witnesses** contained in the opposing party's witness list. Objections not filed as required will be deemed waived. No replies shall be filed. All motions and objections shall be heard at the pretrial conference unless otherwise ordered.

d. At least **two (2) week before trial**, the parties shall:

(i) **exchange exhibits** which shall be premarked (see label below), tabbed and in binders; and

(ii) deliver to chambers the original and two duplicate sets of all exhibits premarked, tabbed and in binders. Exhibits are not to be filed.

For numbering exhibits, the plaintiff shall use numbers and the defendant shall use letters.

Exhibit Label:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date entered: _____

RICHARD W. WIEKING, Clerk

By: _____

Deputy Clerk

1 **8. JURY TRIAL**

2 a. Counsel shall submit an **agreed upon set** of additional **voir dire** questions to be
3 posed by the court. Any voir dire questions on which counsel cannot agree may be submitted
4 separately. Counsel will be allowed brief follow-up voir dire after the court's questioning.

5 b. **Jury Instructions.** The following jury instructions from the Manual of Model
6 Civil Jury Instructions for the Ninth Circuit will be given absent objection: 1.1 - 1.14, 1.18, 1.19,
7 and 3.1 - 3.5. The Ninth Circuit Manual of Model Jury Instructions is available on the Ninth Circuit
8 website at www.ca9.uscourts.gov (library tab → jury instructions → civil).

9 Counsel shall submit an agreed upon set of proposed case specific instructions, using the
10 Ninth Circuit Manual where appropriate. The proposed joint instructions should include the Ninth
11 Circuit model jury instructions listed above. Any instructions on which counsel cannot agree may
12 be submitted separately. Counsel shall submit a table of contents with their jury instructions. Each
13 requested instruction shall be typed in full on a separate page with citations to the authority upon
14 which it is based; a title at the top of the page; check boxes next to given, modified, and withdrawn
15 at the bottom of the page, as shown below; and a reference to the party submitting it. When a Ninth
16 Circuit model jury instruction is used, the Ninth Circuit model jury instruction number and title
17 shall be listed at the top of the page. In addition to the chambers copies, counsel shall email a Word
18 or Word Perfect version of their jury instructions to the njvpo@cand.uscourts.gov.

- 19 ☐ Given
20 ☐ Modified
21 ☐ Withdrawn

22 9. All documents filed with the Clerk of the Court shall list the civil case number followed
23 by the initials "NJV." One copy shall be clearly marked **chambers** copy.

24 DATED:

25 _____
26 NANDOR J. VADAS
27 United States Magistrate Judge
28